

**.IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL CASARES and KARINA
CASARES,

Plaintiffs,

v.

No. 08 C 4198

OFFICER BERNAL, Star No. 12254,
OFFICER SZUBSKI, Star No. 4443, OFFICER
VERDIN, Star No. 2913, OFFICER LEACH,
Star No. 4927, OFFICER WILLIAMS, Star No.
2999, OFFICER CALVO, Star No. 15753,
OFFICER PARTYKA, Star No. 10596, and the
CITY OF CHICAGO,

MAGISTRATE JUDGE KIM

Defendants.

FINAL PRETRIAL ORDER

This matter having come before the Court at a pretrial conference held pursuant to Fed. R.Civ. P. ("Rule") 16, and Blake Horwitz of the Blake Horwitz Law Firm, Ltd., 20 S. Clark Street, Suite 500, Chicago, Illinois, 60603, (312) 676-2100, Nick Albukerk of Albukerk & Associates, 111 E. Wacker St., #555, Chicago, IL 60601, (773) 847-2600, having appeared as counsel for the Plaintiffs, and Terrence M. Burns, Kimberly Fahrbach, Paul Michalik and Daniel M. Noland of Dykema Gossett 10 S. Wacker Dr. Suite 2300, Chicago, IL 60606, (312)-876-1700 having appeared as counsel for the Individual Defendant Officers and for Defendant City of Chicago, and having submitted this joint final pretrial order for the Court's approval, the following actions were taken:

The following stipulations and statements were submitted and are attached to and made a part of this Order:

(1) Jurisdiction: This is a civil rights action, pursuant to Civil Rights Act, 42 U.S.C. §1983; the Judicial Code, 28 U.S.C. §1331 and 1343(a); the Constitution of the United States; and supplementary jurisdiction, as codified in 28 U.S.C. §1367(a). Jurisdiction is not disputed.

(2) Claims: Plaintiff alleges excessive force against the individual defendant officers. Defendants deny any wrongdoing.

(3) Relief Sought: The amounts listed below may drastically increase or decrease, depending on trial strategy and how the evidence comes into trial. They are not intended and should not be construed as a limitation on damages or final figures to be presented to the jury. Plaintiff does not intend to be bound to these numbers as a ceiling and/or a floor on the amount of recovery sought at any given moment.

Compensatory damages: \$50,000.00

Punitive damages: \$50,000.00

(4) Witnesses: A list of names and addresses of all witnesses, including (a) who will be called; (b) who may be called; and (c) whose deposition will be used, is attached hereto and made a part of this Order. [See Exhibit 1]

a. Objections. [See Exhibit 1]

b. Depositions. None.

(5) Exhibits: A schedule of all exhibits the parties may introduce at trial, as well as any demonstrative exhibits or evidence, identified by trial exhibit number, with a brief

description of each exhibit, and a statement of any objections to each exhibit is attached hereto and made a part of this Order. [See Exhibit 2]

(6) Type and Length of Trial: Plaintiff expects this jury trial to take approximately seven trial days.

(7) Proposed Voir Dire Questions: [See Plaintiff's Exhibit 3, Defendants' Exhibit 3]

(8) Proposed Jury Instructions: [See Plaintiff's Exhibit 4, Defendants' Exhibit 4]

This Order will control the course of the trial and may not be amended except by consent of the parties and the Court, or by Order of the Court to prevent manifest injustice.

IT IS SO STIPULATED AND AGREED:

s/ Blake Horwitz
Attorney for the Plaintiff

s/ Kimberly Fahrbach
Attorney for the Defendants

IT IS SO ORDERED:

United States District Judge

Date: _____